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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,460	06/15/2005	Luigino Paolino Giovanni Pirruccio	SCANGINI	2781
6980	7590	05/16/2007		
TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308			EXAMINER ST CYR, DANIEL	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,460

Applicant(s)

PIRRUCCIO, LUIGINO PAOLINO
GIOVANNI

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-35 and 37 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Netherlands on 7/12/02. It is noted, however, that applicant has not filed a certified copy of the Netherlands' application as required by 35 U.S.C. 119(b).
2. It is noted that a preliminary amendment filed 6/6/05 in which claims 1-15 were canceled and claim 16-37 were added

Specification

3. The abstract of the disclosure is objected to because it is not on a separate page. Correction is required. See MPEP § 608.01(b).
4. The applicant failed to provide appropriated headings, such as the "SUMMARY OF INVENTION", "DRAWINGS DESCRIPTION", etc.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-23 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Dumont, US Patent No. 5,540,301.

Dumont discloses an automated bulk self-checkout station apparatus comprising: an automated checkout apparatus 10; an item holder 18; an item holder receiving tunnel 20

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having an entry port 14, opposing side walls 16, a top wall 22, and an exit port 24, the tunnel 20 has a floor covered by a conveyor belt 30 for supporting and carrying the item holder 18 from entry port 14 to exit port 24; a holder sensor 26 adjacent entry port 14 and connected to a computer 28 detects the presence of a holder 18 placed at entry port 14, the computer 28 then activates conveyor belt 30 for a sufficient time duration to carry the holder 18 inside tunnel 20, and then stops conveyor belt 30; a scale (not shown) weighs holder 18 and its contents and relays this data to computer 28; each purchase item 12 is marked with a bar code 36 identifying the item 12, its price and its weight; a scanner assembly 40 inside tunnel 20 scans through holder 18 and reads bar codes 36 on items 12 without the need of removing the items 12 from holder 18, the computer 28 is electrically connected to scanner assembly 40 and automatically totals the weights of the items which is added to the weight of the holder 18 and compared with the scale reading, when there is a match, the prices are read from bar codes 36 and a receipt is printed. (See col. 4, line 44+).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumont.

The teachings of Dumont have been discussed above.

Dumont fails to disclose or fairly suggest the specific type of sensor. However, such

limitation is an obvious engineering design choice for meeting specific customer requirement. It would have been obvious for a person of ordinary skill in the art to modify the system of Dumont to include any required sensor (i.e. moving/approaching/ camera) in performing object checkout. Such modification would make sure that customer requirements are met, which would make the system desirable. Furthermore, the specific claimed sensor failed to provide any unexpected results. therefore, it would have been an obvious extension as taught by Dumont.

Allowable Subject Matter

9. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The applicant teaches a checkout system having a conveyor belt for conveying objects to a secured chamber for processing the objects, the chamber includes a controllable gate for providing access to the objects, weight measuring device for measuring the weight of the objects, wherein the measuring device calculate the mean and the deviation of the measured weight to store the data into the data file. These limitations in conjunction with other limitations in the claims were not shown by the prior art of record.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al US Pub. 2003/0001007.

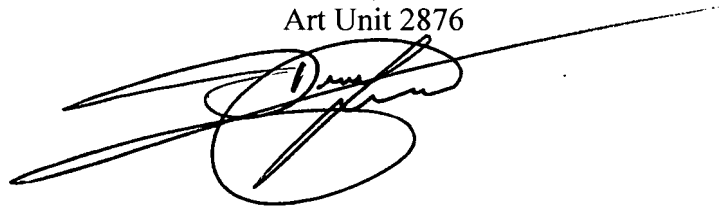
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel St.Cyr
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with a large, circular loop at the end.

DS
May 14, 2007